

Minutes Formal City Council Meeting February 1, 2007

Minutes of the Formal Council Meeting of Thursday, February 1, 2007, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman

Vice Mayor Hut Hutson

Councilmember P Ben Arredondo

Councilmember Barbara J. Carter

Councilmember Shana Ellis

Councilmember Mark W. Mitchell

Councilmember Onnie Shekerjian

Mayor Hallman called the meeting to order at 7:35 p.m.

1. Councilmember Ellis gave the invocation.
2. Mayor Hallman led the audience in the **Pledge of Allegiance**.
3. **MINUTES**

A. Approval of Council Meeting Minutes

Motion by Councilmember Mitchell to approve the following **COUNCIL MEETING MINUTES**.

Councilmember Shekerjian asked that Item #6 be removed.

Amended Motion by Councilmember Mitchell to approve the following **COUNCIL MEETING MINUTES** with the exception of Item #6. Second by Vice Mayor Hutson. Motion passed unanimously on a voice vote.

1. Council's Executive Session – January 18, 2007
2. Council's Special Executive Session – January 12, 2007
3. Council's Issue Review Session – January 4 & 18, 2007 [20070201clrkck01.pdf](#)
[20070201clrkck02.pdf](#)
4. Council's Formal Meeting – January 18, 2007 [20070201clrkck03.pdf](#)
5. Council's Arts & Community Services Committee – January 17, 2007
[20070201acsc01.pdf](#)
6. REMOVED
7. Council's Finance, Economy & Veterans Affairs Committee – January 16, 2007

- 8. Council's Neighborhood Quality of Life, Public Safety & Parks and Recreation Committee – January 9, 2007 [20070201npspr01.pdf](#)
- 9. Council's Tourism & Amateur Sports Committee – January 10, 2007 [20070201tasc01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

Motion by Councilmember Mitchell to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Vice Mayor Hutson. Motion passed unanimously on a voice vote.

- 10. Apache Boulevard Project Area Committee – December 11, 2006 [20070201apac01.pdf](#)
- 11. Community Special Events Task Force – January 16, 2007 [20070201setf01.pdf](#)
- 12. Hearing Officer – January 2, 2007 [20070201ho01.pdf](#)
- 13. Mayor's Youth Advisory Commission – January 9, 2007 [20070201myac01.pdf](#)
- 14. Neighborhood Advisory Commission – December 6, 2007 [20070201nac01.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Hallman announced the need for additional applications for the current board and commission vacancies. He read the current list of vacancies and encouraged interested residents to apply.

B. Manager's Announcements - None

5. AGENDA

All items in these minutes identified with an asterisk (*) are **public hearing items**. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA**.

Motion by Vice Mayor Hutson to approve the Agenda as amended (Item #38 was removed for separate consideration). Second by Councilmember Arredondo. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

- 15. Approved the Report of Claims Paid to be Filed for Audit for the months of September, October, November, and December, 2006.
COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

16. Approved **Contract #2007-15** appointing Janet R. Hort as City Clerk and approval to enter into an employment agreement under the terms described therein.
DOCUMENT NAME: [20070201casv01.pdf](#) **POSITIONS AUTHORIZED (0302-01)**

17. Approved the extension of the Residential Permit Parking Area 1 to include the University Estates Neighborhood.
DOCUMENT NAME: [20070201PWJD01.pdf](#) **RESIDENTIAL PERMIT PARKING (0503-19)**

18. Approved **with conditions** a Subdivision and Condominium Plat for LINCOLN PARK CONDOS at 1504 West University Drive.
COMMENTS: (Sicroff / Essy L.L.C., property owner; Bill Durham, DeLorme & Associates, applicant) (PL060474) for a Subdivision and Condominium Plat, located at 1504 W. University Drive, in the R-3 District , including the following request:
SBD06023 – Subdivision and Condominium Plat to combine two adjacent parcels and convert twenty-six existing apartments into twenty-six residential condominiums on 1.79 net acres.
The following conditions were approved:
 1. The Public Works Department shall approve all roadway, alley, and utility easement dedications, refuse collection and construction documents for driveways, storm water retention (maintain existing retention if size of addition remains under twenty-five percent of existing and value of improvement remains under fifty percent of existing value; otherwise provide 100 year on-site retention), street drainage, sewer and water utilities, and off-site improvements.
 - a. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains
 - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
 - b. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees,
 - (2) Water and/or sewer participation charges,
 - (3) Inspection and testing fees.
 - c. All applicable off-site plans shall be approved prior to recordation of Subdivision and Condominium Plat.
 - d. Public improvements must be installed prior to final inspection. Any phasing shall be approved by the Public Works Department.
 - f. All new on-site and adjacent off-site utility lines (other than transmission lines) shall be placed underground prior to final inspection for this development in accordance with the Code of the City of Tempe – Section 25. Given the size of the addition (under twenty-five percent of the existing) and the value of the improvement (under fifty percent of the existing) public utilities and utility poles may remain overhead on the south side of the alley at the northern edge of this project. Existing utilities described shall be placed underground if the size or value exceeds that described above. Underground all utility extensions on site to the condominiums, whether existing or new.
 2. Place the Subdivision and Condominium Plat for Lincoln Park Condominiums into proper engineered format with appropriate signature blanks. Process the Subdivision and Condominium Plat for

approval through Tempe City Council. Record the Subdivision and Condominium Plat with the Maricopa County Recorder's Office through the Tempe Development Services Department on or before one year from date of City Council approval. Failure to record the plan by February 1, 2008, shall make the Subdivision and Condominium Plat null and void. If work is commenced prior to this time, a final inspection will not be signed off until this condition is fulfilled.

3. In the Subdivision and Condominium Plat, make the following modifications beyond the general requirement to place the document into proper engineered format:
 - a. Indicate how the lot corners that are being set are to be identified.
 - b. Dimension all offsets in the horizontal regime.
 - c. Indicate the uncovered parking spaces on the plan and note whether they are unassigned.
 - d. The total number of parking spaces indicated on the plan is 54. Provide 55 spaces as indicated.
4. Provide a continuing care Condition, Covenant and Restriction (CC&R) for maintenance of all of the project's common areas and facilities, including, but not limited to, security lighting, landscape and common building elements as well as rules such as placement of private resident roof mount equipment within screened areas. Submit the CC&R's for Administrative Review through the Development Services Department, place in a form satisfactory to the Development Services Manager and City Attorney, and record the CC&R's (after the City's administrative approval) with Maricopa County Recorder's Office. A final inspection will not be signed off until this condition is fulfilled.

DOCUMENT NAME: [20070201dskko02.pdf](#) **PLANNED DEVELOPMENT
(0406)**

- *19. Held a public hearing and recommended the approval of a Series 07 Beer and Wine Bar Liquor License for 1550 Tempe, LLC, dba Quality Inn Tempe, 1550 S. 52nd Street.

COMMENTS: Shailesh Kuber, Agent

DOCUMENT NAME: [20070201LIQ1.pdf](#) **LIQ LIC (0210-02)**

- *20. Held a public hearing and recommended the approval of a Series 07 Beer and Wine Bar Liquor License for Two Glass Eyes, LLC, dba Two Glass Eyes Sports Grill, 1807 E. Baseline Road, #101.

COMMENTS: Karsten Corrigan, Agent

DOCUMENT NAME: [20070201LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *21. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Mariscos Sinaloa, Inc., dba Mariscos Sinaloa, 3135 S. 48th Street, #110.

COMMENTS: Gonzalo Gamez, Agent

DOCUMENT NAME: [20070201LIQ3.pdf](#) **LIQ LIC (0210-02)**

- *22. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Gotta Serve Somebody, LLC, dba Mamacita's, 216 E. University Drive.

COMMENTS: Justin Garbinski, Agent

DOCUMENT NAME: [20070201LIQ4.pdf](#) **LIQ LIC (0210-02)**

- *23. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Feller's Place, LLC, dba Final Round, 5030 S. Mill Avenue, D-20.

COMMENTS: Jesse Feller, Agent
DOCUMENT NAME: [20070201LIQ5.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

24. Awarded **Contract #2007-16**, a one-year, sole source contract to United Fire Equipment Company for MSA repair and replacements parts for self-contained breathing apparatus (SCBA).
COMMENTS: Subject to execution of final written contract. Total cost for this contract shall not exceed \$50,000 during the contract period.
DOCUMENT NAME: [20070201fslg05.pdf](#) **PURCHASES (1004-01)** (Sole Source #07-101)
25. Awarded **Contract #2007-17**, one-year contracts with two (2) one-year renewal options to RCI Systems, Inc., (primary) and Equity Plumbing, Inc., (secondary) for testing, repair and replacement of backflow prevention assemblies.
COMMENTS: Subject to execution of final written contracts. Total cost for these contracts shall not exceed \$65,000 during the contract period.
DOCUMENT NAME: [20070201fstg08.pdf](#) **PURCHASES (1004-01)** (IFB #07-067)
26. Approved a six-month contract renewal with United Road Towing, Inc., for towing services.
COMMENTS: Total estimated amount for community towing is \$68,000 including \$8,000 of city vehicle towing.
DOCUMENT NAME: [20070201fsta01.pdf](#) **PURCHASES (1004-01)** (T01-092-01)
27. Approved a one-year contract renewal with Liberty Mutual for voluntary group Auto, Homeowners and Personal Umbrella Insurance for eligible City employees.
COMMENTS: There is no cost to the City. Employees currently pay approximately \$410,000 annually for these services.
DOCUMENT NAME: [20070201fsta02.pdf](#) **PURCHASES (1004-01)** (T05-064-01)
28. Approved one-year contract renewals with Dave Bang Associates, Inc., and Miracle Playground Sales Southwest for playground play structures for City parks.
COMMENTS: Total amount not to exceed \$100,000.
DOCUMENT NAME: [20070201fslg03.pdf](#) **PURCHASES (1004-01)** (T06-099-01 and T06-099-02)
29. Approved a \$100,000 increase to the contract amount with Econolite Control Products, Inc., for traffic signal control equipment.

COMMENTS: Increase from \$200,000 to \$300,000.

DOCUMENT NAME: [20070201fsta09.pdf](#) **PURCHASES (1004-01)** (Sole Source #06-126-01)

30. Approved the utilization of one-year Western States Contracting Alliance (WSCA) contracts with Verizon Wireless and Sprint/Nextel Communications for cellular telephone, services and related equipment.

COMMENTS: Total cost of these contracts shall not exceed \$250,000 during the contract period.

DOCUMENT NAME: [20070201fsts06.pdf](#) **PURCHASES (1004-01)** (EPS070070-1-A1 and 3-A1)

31. Approved the utilization of a two-year US Communities contract with Tech Depot for computer hardware, peripherals, and related services.

COMMENTS: Total cost of this contract shall not exceed \$80,000 during the contract period.

DOCUMENT NAME: [20070201fsts07.pdf](#) **PURCHASES (1004-01)** (RQ03-605674-16A)

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *32. Introduced and held the **first public hearing** for a Zoning Map Amendment and a Planned Area Development Overlay for P CAN LOFTS located at 675 South Roosevelt Street. **The second public hearing is set for February 15, 2007.**

COMMENTS: (Oleander Lofts L.L.C., property owner; Barry Goldstein, A.I.A., V.V.G. Associates, L.L.C., applicant) (PL060525) for the development of twelve residential condominiums, located at 675 S. Roosevelt Street, in the R-3 District, including the following requests:

ZON06013 – (Ordinance No. 2007.06) a Zoning Map Amendment from R-3, Multi-Family Residential Limited District to R-4 Multi-Family Residential General District, on 0.49 net acres.

PAD06012 – Planned Area Development Overlay to modify R-4 development standards to allow a building 'B' height increase from 40 feet to 51 feet to the top of roof railing, to allow a Building 'A' front setback reduction from 20'-0" to 0'-0" and Building 'B' side-yard and rear-yard setback reductions from 10'-0" to 0'-0" to minimize the building volume step-back.

DOCUMENT NAME: [20070201dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- D. Ordinances and Items for Second Hearing/Final Adoption

- *33. Held the **second public hearing** and approved Code text amendments for ADULT

ORIENTED BUSINESS REGULATIONS.

COMMENTS: (City of Tempe, applicant) (PL060481) for code text amendments within the Zoning and Development Code, including prohibiting “sexual encounter centers”; incorporating State Law as it pertains to adult oriented business separation requirements; and clarify definition related to determining area devoted to adult oriented material, including the following:

ZOA06003 – (Ordinance No. 2007.01) Code Text Amendments within the Zoning and Development Code for Sections 3-403 and 7-102.

DOCUMENT NAME: [20070201dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *34. Held the **second public hearing** and approved ORDINANCE NO. 2007.07 amending Chapter 16A, Article VI of the Tempe City Code, relating to Adult-Oriented Businesses and adding new Section 22-17 relating to Sexual Encounter Centers.

DOCUMENT NAME: [20070201cacc01.pdf](#) **TCC CH16 – LICENSES, TAXATION & MISC BUS REGS, ETC. CITY CODE (0503-16)**

E. Resolutions

35. Approved RESOLUTION NO. 2007.04 accepting grant funding in the amount of \$40,437 from the Oversight Council on Driving or Operating Under the Influence Abatement for DUI enforcement.

DOCUMENT NAME: [20070201pdsam01.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02)**

36. Approved RESOLUTION NO. 2007.05 accepting grant funding in the amount of \$2,500 from the Wal-Mart Corporation for K-9 equipment.

DOCUMENT NAME: [20070201pdsam02.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02)**

37. Approved RESOLUTION NO. 2007.07 renewing **Contract #2007-18**, the Intergovernmental Agreement (IGA) between the City of Tempe and Tempe Elementary School District No. 3 (TSD3) which details the agreed respective responsibilities of the School Resource Officer grant program.

DOCUMENT NAME: [20070201pdma01.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02)**

38. ***THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.***

Approved RESOLUTION NO. 2007.06 changing the color scheme of our patrol vehicles from blue and white to a traditional black and white color scheme.

Councilmember Arredondo asked that this item be removed for separate consideration and asked Police Chief Tom Ryff to respond to the concerns regarding visibility.

Police Chief Tom Ryff responded that this issue has been important to the police officers over the past few years. Law enforcement is rich in tradition and culture. We are continuing to find ways to reach out to the community and be more accessible, with the police vehicles being more readily recognized. A black-and-white vehicle will accomplish that. Many agencies throughout the country have changed to this color scheme and there has been overwhelming support by the residents of those communities.

Councilmember Arredondo added that Council and staff are very united in support of Police Chief Ryff's performance.

Police Chief Ryff showed pictures of the new color scheme.

Motion by Councilmember Arredondo to approval Item #38. Second by Vice Mayor Hutson. Motion passed on a roll call vote, 7-0.

Mayor Hallman added that Chief Ryff has been very concerned about this issue and the work that has been done on this and the views held by our officers are important to us. He further asked Chief Ryff to thank his great staff for their hard work.

DOCUMENT NAME: [20070201pdsam03.pdf](#) POLICE DEPARTMENT
ADMINISTRATION (0606-02)

6. PUBLIC APPEARANCES – None.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Arredondo requested a discussion on the boards and commission and naming rights for City facilities at a future Issue Review Session.
- Councilmember Shekerjian announced a new mentoring program involving a partnership between the City and ASU. Over 80 applications were submitted for mentoring by City employees, and seven were chosen. She read the names. She hoped that as these people go out as professionals into the community, that they will also seek opportunities to mentor people in college. It is their hope to ultimately open this program to high school students in some way.
- Mayor Hallman expressed condolences to the family of former Mayor Elmer Bradley, and added that the funeral service is scheduled for Saturday, February 3rd, at 11:00 a.m. at Grace Community Church. Mayor Bradley served the City from 1968 to 1970. He was a visionary and worked for his lifetime to seek Tempe's best future.

Meeting adjourned at 7:55 p.m.

I, Connie Krosschell, the duly-appointed Acting City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of February 1, 2007, by the

Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Connie Krosschell, Acting City Clerk

Dated this _____ day of _____, 2007.